

## **2.4 The Deputy of St. Martin of the Chief Minister regarding alterations to the Napier Terms of Reference:**

I would just ask that Members, I know they are entitled to footstamp but could I just ask the footstamping commences after the answer is given, so Members this side of the Chamber are able to hear all the answers. [Approbation] [Laughter] In his answer to an oral question on 19th October 2010 about altering the Napier terms of reference, the Chief Minister advised that they were altered when it was established that the previous Chief Officer of Police would fully participate in the investigation, will the Minister inform Members when this willingness was communicated and, if by letter, when was it received?

### **Senator T.A. Le Sueur (The Chief Minister):**

I am advised that Mr. Napier himself contacted the former Chief Officer of Police and ascertained that the former Chief Officer was indeed willing to participate fully in the investigation. He did indeed participate and Mr. Napier has also had access to a copy of the affidavit prepared by the former Chief Officer of Police in connection with subsequent appeals in the Royal Court.

### **2.4.1 The Deputy of St. Martin:**

I do not like to prove that the Chief Minister is not telling the truth in this Chamber, but what I have here is a letter dated 21st April to the Deputy Chief Executive informing the Minister about his ability to take part, however the terms of reference were published in R.39 on 14th April. Can I ask the Chief Minister if he maybe would reconsider his answer, in actual fact that Mr. Napier did not make contact with the Chief Officer of Police before the terms of reference were altered?

### **Senator T.A. Le Sueur:**

The terms of reference are a fluid arrangement. At the time of the agreement in this House of those terms of reference the disciplinary process involving the former Chief Officer was still in place. Accordingly, it was questionable whether the Chief Officer would be willing to participate in such an inquiry. After Mr. Napier had established that the former Chief Officer of Police was prepared to assist in these investigations, that particular aspect of the terms of reference was no longer relevant.

### **2.4.2 The Deputy of St. Martin:**

I find the answer astonishing because quite clearly the evidence I have to hand really shows that the Chief Minister, I am afraid, is misleading the House this morning.

### **The Bailiff:**

Be careful with your language.

### **The Deputy of St. Martin:**

I will, but it is rather frustrating when you have evidence in your hand, and I know the fact that what the Chief Minister is saying is maybe incorrect and I would ask him maybe he would check to ensure that what I have - the evidence that we have at hand - is really the evidence which we should be hearing or study it this morning.

### **The Bailiff:**

That was your question, Deputy.

### **Senator T.A. Le Sueur:**

If the Deputy is prepared to give me the evidence he has, I will investigate it myself. I said in my answer, and I was very careful to say, that I was advised that Mr. Napier had contacted the Chief Officer. I do not have the information first-hand, and I do not have evidence to do that. If the Deputy has evidence to the contrary and wishes to share it with me I will happily look into it.

**[Interruption] [Laughter]**

[10:00]

#### **2.4.3 The Deputy of St. Martin:**

Can I ask the Chief Minister why it was felt necessary to remove part of the terms of reference because the Chief Officer of Police said he was happy to partake? Surely they should have been left in if indeed he was happy to partake. Would the Chief Minister not agree?

**Senator T.A. Le Sueur:**

It strikes me as being totally irrelevant whether it was left in or not. The fact is that Mr. Napier did have access to Mr. Power, both to ask him questions and to read his affidavit. The whole question of whether they are in the terms of reference as published is totally meaningless when the reality is that Mr. Napier had full access to all evidence provided by the former Chief Officer.

#### **2.4.4 Deputy M.R. Higgins:**

Would the Chief Minister be prepared to put his evidence and Deputy Hill's evidence to P.P.C. (Privileges and Procedures Committee)? We obviously have here allegations that the House has been misled and I think it is time that the information is put out by both sides to P.P.C. and be adjudicated on. Would the Chief Minister agree?

**Senator T.A. Le Sueur:**

I cannot see that this is a matter of relevance to the P.P.C. The question relates to the ability of Mr. Napier to access information from Mr. Power. As I have said, and Mr. Napier has said, he had full access to that information.

#### **2.4.5 The Deputy of St. Mary:**

The Chief Minister appears to believe that the truth does not matter too much as long as the right answer comes out ... **[Members: Oh!]**

**The Bailiff:**

No. Deputy, please do not make improper assertions against other Members of the Assembly, as required by Standing Orders.

**The Deputy of St. Mary:**

I shall restart, Sir. The question was about whether the terms of reference were altered after the Chief Officer of Police agreed to participate or before and the Chief Minister is then telling us: "Oh well, it does not matter too much because what happened in the end was that the Chief Officer of Police did co-operate with the inquiry." But that is not the point of the question. My question to the Chief Minister is does he believe the process that doing things in the right way, that doing what you said you did, and it is true, matters?

**Senator T.A. Le Sueur:**

Yes, process is important. But getting information is also important. As I said, the reality of the situation is that whether it was in the terms of reference as published or not, the instructions to Mr. Napier were received by Mr. Napier, acted upon by Mr. Napier, he had access to the information from the former Chief Officer of Police and so whether it was done before or after that, the fact is that the outcome... the reality is that full access was obtainable and obtained.

**2.4.6 The Deputy of St. Martin:**

Will the Chief Minister accept that the affect of watering-down the terms of reference meant that it narrowed the terms of reference, thereby certain crucial witnesses did not need to be interviewed? Will the Chief Minister agree to that?

**Senator T.A. Le Sueur:**

No, I do not think that is correct at all. The fact is that the terms of reference referred to access to information. That information was available. If Mr. Napier felt the need to have information from other sources he was totally at liberty to do so.

**Deputy T.M. Pitman:**

Can I seek clarification from the Chief Minister, Sir?

**The Bailiff:**

No, I am sorry, Deputy. Not at this stage. This is question time.

**Deputy T.M. Pitman:**

It would be nice to understand what was said.

**The Bailiff:**

There will be an opportunity, Deputy, if I may say so; the questions without notice, the Chief Minister will be asked today, and of course Members are free to take up any point then.